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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,447	09/21/2001	Paul Geoffrey Clarke	GB92000093US1	5772
7590	01/14/2005		EXAMINER	
RONALD A. D'ALESSANDRO, ESQ. HOFFMAN, WARNICK & D'ALESSANDRO LLC THREE E-COMM SQUARE ALBANY, NY 12207			ELMORE, REBA I	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/960,447	CLARKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Reba I. Elmore	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 October 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. Claims 1-21 are presented for examination.

### *Specification*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The rejection to the title is **withdrawn** due to the amendment.
4. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application:

A copy of the references cited on pages 18 and 19 of the disclosure is required since these non-patent references are not patent documents and therefor are not readily available for consideration during the examination of the application.

This office action has a requirement for information under 37 CFR 1.105. A complete response to this office action must include a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period of this office action.

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *35 USC § 102*

6. The rejection of claim 1-21 as being anticipated by Frey et al. is **maintained** and updated to include the additional limitation.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Frey et al.

9. Frey teaches the invention (claim 1) as claimed including a method of communicating message data between a plurality of subsystems which are distributed across a data communications network as a message processing facility (e.g., see col. 3, lines 25-61), the method comprising:

coupling the distributed subsystems together through a coupling means with a shared memory as part of systems such as an SYSPLEX which includes a coupling facility that enables data (including messages) and processing facilities to be shared by all the systems connected to the coupling facility (e.g., see col. 2, lines 7-40);

providing at least one shared queue in the shared memory as the coupling facility which has the structured external storage facility, the shared queue being shared among all of the distributed subsystems (e.g., see col. 3, lines 26-31, col. 4, lines 47-56 and col. 6, lines 16-18);

providing access to the shared queue from each of the coupled subsystems (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52); and,

communicating message data between all of the distributed subsystems by means of the shared queue (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

As to claim 2, Frey teaches the plurality of subsystems is a distributed network of resource managers (e.g., see Figure 1).

As to claim 3, Frey teaches the plurality of subsystems are all part of a sysplex (e.g., see col. 2, lines 7-40).

As to claim 4, Frey teaches at least one application program is connected to a subsystem with the subsystem managing the message data for the application programs (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

As to claim 5, Frey teaches the coupling means is a coupling facility with list structures for a shared queue and a database (e.g., see Figure 1 and col. 4, line 47 to col. 6, line 57).

As to claim 6, Frey teaches the database stores queue definitions for the shared queue as part of the SES facility which stores queue definitions as part of the list structures (e.g., see Figure 1).

As to claim 7, Frey teaches shared queues includes a shared transmission queues as the SES facility which is also a coupling facility (e.g., see Figure 1).

As to claim 8, Frey teaches each subsystem has a long running process to check the shared queues for message data for that subsystem as activities associated with the necessary polling techniques (e.g., see col. 2, line 7 to col. 3, line 61).

As to claim 9, Frey teaches the subsystems also have local non-shared queues as each CPC having its own message and support facilities and although messages may be stored in both the CPC and the SES parts of the system, the CPC queues are not themselves shared (e.g., see Figure 1).

As to claim 10, Frey teaches the message data is sent from a first subsystem to a second subsystem by the first subsystem putting a message to a second subsystem by the first subsystem

putting a message on a shared queue and the second subsystem getting the message from the shared queue (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

10. Frey teaches the invention (claim 11) as claimed including an apparatus for communicating message data (e.g., see col. 3, lines 25-61) comprising:

    a plurality of subsystems distributed across a data communications network (e.g., see Figure 1);

    a coupling means with a shared memory with the shared memory having at least one shared queue (e.g., see Figure 1);

    means associated with each subsystem for accessing the shared queue (e.g., see Figure 1); and,

    message data is communicated between the distributed subsystems by means of the shared queue (e.g., see Figure 1).

As to claim 12, Frey teaches the plurality of subsystems is a distributed network of resource managers as each CPC having its own resource management capabilities (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

As to claim 13, Frey teaches the plurality of subsystems are all part of a sysplex (e.g., see col. 2, lines 8-40).

As to claim 14, Frey teaches an application program is connected to a subsystem with the subsystem managing the message data for the application programs (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

As to claim 15, Frey teaches the coupling means is a coupling facility with data structures for the shared queue and a database (e.g., see Figure 1, element 110).

As to claim 16, Frey teaches the database stores the queue definitions for the shared queue as part of the SES facility which stores queue definitions as part of the list structures (e.g., see Figure 1).

As to claim 17, Frey teaches the shared queue includes a shared transmission queue as part of the SES facility which is a coupling facility (e.g., see Figure 1).

As to claim 18, Frey teaches each subsystem has a long running process to check the shared queue for message data for that subsystem as activities associated with the necessary polling techniques (e.g., see col. 2, line 7 to col. 3, line 61).

As to claim 19, Frey teaches the subsystems also have local non-shared queues as each CPC having its own message and support facilities and although messages may be stored in both the CPC and the SES parts of the system, the CPC queues are not themselves shared (e.g., see Figure 1).

11. Frey teaches the invention (claim 20) as claimed including a computer program comprising computer readable program code for performing the steps of:

providing a shared queue in a shared memory as part of the SES facility (e.g., see Figure 1);

providing access to the shared queue from each of a plurality of subsystems coupled to the shared memory wherein the subsystems are distributed across a data communications network (e.g., see Figure 1); and,

communicating data between the distributed subsystems by means of the shared queue (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

12. Frey teaches the invention (claim 21) as claimed including an apparatus for communicating message data within a distributed data communications network (e.g., see col. 3, lines 25-61), the apparatus including a resource manager for receiving messages from input message queues and forwarding the messages to destination message queues, the resource manager including:

a coupling facility manager component providing connection services for the resource manager to connect to a coupling facility list structure to perform operations on list structure entries including connection with the coupling facility manager as being part of the SES facility (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52);

a message retrieval agent for accessing at least one shared queue in shared memory associated with the coupling facility (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52); and, wherein the message retrieval agent enables the resource manager to access messages directly from the shared queue of a connected coupling facility (e.g., see Figure 1 and col. 4, line 47 to col. 5, line 52).

#### *Response to Applicant's Remarks*

13. Applicant's arguments filed October 14, 2004 have been fully considered but they are not persuasive.

14. As to the reference not teaching the shared queue being shared among all of the distributed subsystems, this limitation is taught to the extent required by the actual claim language. The claims do not provide a structure or details as to the nature of the way the queue is shared among all of the distributed subsystems. The admission by the applicant's representative that Frey groups the CPCs together in a coupled configuration and manages lists

of data which are shared among the CPCs meets this limitations to the extent it is now claimed.

The claim language does not specify that each message in the queue must be shared.

*Action is made Final*

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Conclusion*

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reba I. Elmore, whose telephone number is (703) 305-9706. The examiner can normally be reached on M-TH from 7:30am to 6:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor for AU 2187, Donald Sparks, can be reached for general questions concerning this application at (703) 308-1756. Additionally, the official fax phone number for the art unit is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center receptionist whose telephone number is (703) 305-3800/4700.



Reba I. Elmore  
Primary Patent Examiner  
Art Unit 2187

January 8, 2005